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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,458	08/27/2003	Rens Hansort	092301-9010	5782

23510 7590 09/12/2005

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EXAMINER

A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/649,458

Applicant(s)

HANSORT, RENS

Examiner

Phi D. A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>IDS (plural)</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lancelot III et al (D438991) in view of Lancelot III (D437063).

Lancelot III et al (.991) shows a concrete anchor comprising a bar having a top, a bottom, an upper end, a lower end, a first side, a second side, a front face, a rear face, a first aperture, an conical foot (figure 2) hsaped to fit the bottom of the bar, the top of the bar comprising a first apex section, a top platform section, a second apex section, the foot comprising a circular base having a diameter greater than the width and thickness of the bar, the circular base defining a circumference, the bar is positioned centrally with respect to the circular base of the foot such that the bar fits within the circumference of the circular base, an aperture positioned adjacent the upper end of the bar.

Lancelot III et al does not show the bar having an upwardly curved face adjacent the bottom of the bar.

Lancelot III (D..063) shows a bar (figure 1) having an upwardly curved face adjacent the bottom of the bar to mate with a upwardly curved supporting foot structure.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Lancelot (.991) to show the bar having an upwardly curved face adjacent

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the bottom of the bar because it would enable the secure mounting of the bottom of the bar to an upwardly curved foot as taught by Lancelot (...063).

Per claims 5, 7, Lancelot III as modified shows the upwardly curved face having a maximum point located centrally between the first and second sides of the bar, the conical foot at least partially defining a substantially shear-resistant region of the anchor (inherently so),

3. Claims 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lancelot III et al (D438991) in view of Lancelot III (D437063) as applied to claim 1 above and further in view of Lancelot III (6460824).

Lancelot III et al (...991) as modified shows all the claimed limitations except for the bar comprising a second aperture.

Lancelot III (6460824) shows a bar (figure 1) having first and second apertures (92)

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Lancelot (...991)'s modified structure to show the bar comprising a second aperture as taught by Lancelot (...824) because having a second aperture would allow for the extra anchoring and or attachment of the bar to other structures.

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lancelot III et al (D438991) in view of Lancelot III (D437063) as applied to claim 1 above and further in view of Fricker (4173856)

Lancelot III et al (...991) as modified shows all the claimed limitations except for the bar comprising a first and second upwardly projecting face.

Fricker shows a bar comprising a first and second upwardly projecting face (12e) for engaging with force transmitting surfaces on the outer side of a shackle body to prevent pivoting of the shackle.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Lancelot (..991)'s modified structure to show the bar comprising a first and second upwardly projecting face because it would prevent the pivoting of the shackle by engaging with force transmitting surfaces on the outer side of a shackle body as taught by Fricker.

Lancelot III as modified shows all the claimed limitations including an attachment region of the anchor.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lancelot III et al (D438991) in view of Lancelot III (D437063)

Lancelot III et al (..991) as modified shows all the claimed limitations except for the foot being integrally formed with the bar.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Lancelot (..991)'s modified structure to show the foot being integrally formed with the bar because it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art, *Howard v. Detroit Stove Works*, 150 US 164 (1893).

6. Claims 10-11, 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lancelot III et al (D438991) in view of Lancelot III (D437063) and Fricker (4173856)

Lancelot III et al (..991) shows a concrete anchor comprising a bar having a top, a bottom, an upper end, a lower end, a first side, a second side, a front face, a rear face, a first

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aperture, an conical foot (figure 2) shaped to fit the bottom of the bar, the top of the bar comprising a first apex section, a top platform section, a second apex section, the foot comprising a circular base having a diameter greater than the width and thickness of the bar.

Lancelot III et al does not show the bar having an upwardly curved face adjacent the bottom of the bar, the bar comprising a first and second upwardly projecting face.

Lancelot III (D..063) shows a bar (figure 1) having an upwardly curved face adjacent the bottom of the bar to mate with a upwardly curved supporting foot structure.

Fricker shows a bar comprising a first and second upwardly projecting face (12e) for engaging with force transmitting surfaces on the outer side of a shackle body to prevent pivoting of the shackle.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Lancelot (.991) to show the bar having an upwardly curved face adjacent the bottom of the bar, the bar comprising a first and second upwardly projecting face because having an upwardly curved face adjacent the bottom of the bar would enable the secure mounting of the bottom of the bar to an upwardly curved foot as taught by Lancelot (...063), and having a first and second upwardly projecting face would prevent the pivoting of the shackle by engaging with force tramitting surfaces on the outer side of a shackle body as taught by Fricker.

Per claims 11, 13-14, Lancelot III as modified shows the upwardly curved face having a maximum point located centrally between the first and second sides of the bar, the top of the bar and the first aperture defining an attachment region of the anchor, the conical foot at least partially defining a substantially shear-resistant region of the anchor (inherently so)

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7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lancelot III et al (D438991) in view of Fricker as applied to claim 10 above and further in view of Lancelot III (6460824).

Lancelot III et al (..991) as modified shows all the claimed limitations except for the bar comprising a second aperture.

Lancelot III (6460824) shows a bar (figure 1) having first and second apertures (92)

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Lancelot (..991)'s modified structure to show the bar comprising a second aperture as taught by Lancelot (..824) because having a second aperture would allow for the extra anchoring and or attachment of the bar to other structures.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different concrete anchor designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Phi Dieu Tran A', with a large, sweeping loop at the end.

Phi Dieu Tran A

8/30/05